

## REMARKS

Claims 1-20 remain pending in the present application, with claims 14 – 20 withdrawn. No new matter has been added.

### Response to Arguments

In the Response to Arguments section, the present Office Action alleges with respect to the Brock et al. reference that in order for any of the plurality of management components (emphasis added) to be managed by the power management controller (emphasis added), the power management controller must necessarily communicate with each of the plurality of management components. Applicants respectfully assert the present Office Action does not appear to clearly delineate which components of the Brock et al. reference allegedly correspond to the plurality of management components and which component correspond to the management controller. Applicants respectfully point out that the present Office Action appears to allege on page 3 line 7 that the controllers (emphasis added) 201 are allegedly equivalent to the management components (emphasis added) of the present Application. Thus, it appears that the Response to Arguments section appears to be alleging the controller of Brock et al. communicates with itself and Applicants

respectfully assert a controller communicating with itself does not teach communicating with a plurality of management components.

In addition, Applicants respectfully argued the Brock et al. reference does not necessarily teach a communication link for communicatively coupling the rack equipment and the plurality of management components. To the extent the Brock et al. reference may mention the output 107 are local temperature sensor outputs from (emphasis added) measuring the temperature of the individual processors (emphasis added) 103 through 106 (shown on the same VLSI chip in Figure 1 of the Brock et al. reference) while global output 108 is a temperature sensor output from (emphasis added) a temperature sensor in a more central location of the VLSI chip (emphasis added) [Col. 6 lines 45 -50], Applicants respectfully assert the Brock et al. reference does not necessarily teach a communication link for communicatively coupling the rack equipment (emphasis added) and the plurality of management components. In addition, to the extent the Brock et al. reference may mention, all or a portion of parameter data 207 may (emphasis added) include outputs 107 and 108 ... and ... set points 109 and 110 may (emphasis added) include one or more controls 202 and 203, Applicants respectfully assert the Brock et al. reference does not necessarily teach a communication link for communicatively coupling the rack an the plurality of management components.

Applicants respectfully assert anticipation by inherent disclosure is appropriate only when the references disclose prior art that must necessarily include the unstated limitation. *Transclean Corp. v. Bridgewood Services Inc.*, 290 F.3d 1364, 1373, 62 USPQ2d 1865 (Fed Cir. 2002). Appellants also respectfully assert that the possibility or even probability is not enough. *Motorola, Inc. v. Interdigital Technology Corp.* 930 F. Supp. 952, 970 (D. Del. 1996). Even if the present Office Action was to allege an indication in the Brock et al. reference that a control component may (emphasis added) communicate means it is probable, Applicants respectfully assert it is not enough and respectfully assert the Brock et al. reference does not necessarily (emphasis added) teach the claimed limitation. In addition, to the extent the Brock et al. reference may mention the a portion of parameter data 207 may (emphasis added) include outputs 107 and 108 ... and ... set points 109 and 110 may (emphasis added) include one or more controls 202 and 203, Applicants respectfully assert the Brock et al. reference indicates the parameter data does not necessarily include the outputs and the set points do not necessarily include the controls.

With respect to a management control center communicatively coupled to said plurality of management components, wherein the management control center receives equipment rack policy related information from

information processing clients, the present Office Action also indicates in the Response to Arguments section that the Zimmer et al. reference is not used to for this limitation. Thus Applicants respectfully assert the Zimmer et al. reference does not overcome this and other shortcomings of the Brock et al. reference.

The present Office Action essentially repeats the prior rejections. Applicants respectfully reassert the present claimed invention is not taught nor suggested by the cited references.

### 103 Rejections

The present Office Action indicates that Claims 1 – 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Brock et al. (US Patent No. 6,836,849) in view of Zimmer et al. (US Patent No. 7,051,215). Applicants respectfully assert that the present invention as recited in Claims 1 – 13 is neither shown nor suggested by the references, alone or together in combination.

With respect to Claim 1, the present Office Action acknowledges the Brock et al. reference does not explicitly teach a communication link for communicatively coupling the rack equipment and the plurality of

management components [Page 3 third paragraph of the present Office Action]. The present Office Action alleges the Brock et al. reference inherently discloses a communication link for communicatively coupling the rack equipment and the plurality of management components. Anticipation by inherent disclosure is appropriate only when the references disclose prior art that must necessarily include the unstated limitation. *Transclean Corp. v. Bridgewood Services Inc.*, 290 F.3d 1364, 1373, 62 USPQ2d 1865 (Fed Cir. 2002). Appellants respectfully assert that the possibility or even probability is not enough. *Motorola, Inc. v. Interdigital Technology Corp.* 930 F. Supp. 952, 970 (D. Del. 1996). To the extent the Brock et al. reference may mention a controller receives parameters [Col. 6 line 59 – Col 7 line 7], Applicants respectfully assert the Brock et al. reference does not necessarily teach a communication link for communicatively coupling the rack equipment and the plurality of management components. Applicants respectfully assert the Brock et al. reference can receive the information from something other than a communication link coupling the rack equipment. For example, the parameters could be received in the Brock et al. reference without going through a communication link communicatively coupled to a plurality of management components.

Applicants respectfully assert that the Zimmer et al. reference does not overcome these and other short comings of the Brock et al. reference. The

present Office Action acknowledges in the Response to Arguments section of present Office Action of the Zimmer et al. reference is not used for this limitation. To the extent the Zimmer et al. reference may mention a power arbiter [Figure 6], Applicants respectfully assert the Zimmer et al. reference does not teach a management control center receives equipment rack policy related information from information processing clients. In addition, to the extent the Zimmer et al. reference may show or mention a single (emphasis added) power arbiter 600 [Figure 6, Col. 10 lines 39 - 59], Applicants respectfully assert the Zimmer et al. reference teaches away from the present claimed management control center communicatively coupled to a plurality (emphasis added) of management components. Applicants respectfully assert that one of ordinary skill in the art would not find a motivation or suggestion to combine the teaching away reference of Zimmer et al.

Regarding independent Claim 8, Applicants have amended Independent Claim 8 herein. Applicants respectfully submit that Independent Claim 8 includes the currently amended feature:

...directing manipulation of power consumption and thermal load associated with said rack equipment from said management control center via a plurality of management components that are communicatively coupled to said rack equipment ... .

The present Office Action acknowledges the Brock et al. reference does not teach receiving, analyzing and directing at or from a management control center [Page 9 second paragraph of present Office Action] and the Brock et al. reference does not teach a plurality of management components that are communicatively coupled to said rack equipment. The present Office Action alleges the Brock et al. reference inherently discloses receiving information via a communication like coupled to rack equipment. As set forth above, Applicants respectfully assert the Brock et al. reference does not inherently teach plurality of management components that are communicatively coupled to said rack equipment.

The present Office Action alleges it would have been obvious to one of ordinary skill in the art to incorporate the above described controller as allegedly suggested by the Brock et al. reference in order to implement state {sic} wherein the management control center receives equipment rack policy related information from information processing clients. The present Office action acknowledges the Brock et al. reference does not teach a management control center and fails to disclose the steps of receiving, analyzing, and directing at and from a management control center. Applicants respectfully assert it would not have been obvious to receive information, analyze policies and direct manipulation of power consumption from the management control center as claimed in the present application since the Brock et al. reference

does not teach a management control center. Applicants respectfully assert the Zimmer et al. reference does not overcome these and other shortcomings of the Brock et al. reference.

To the extent the Zimmer et al. reference may mention a central power manager (the power arbiter) is employed to manage power consumption of the group members [Col. 7 line 55 -59], Applicants respectfully assert that the Zimmer et al. reference does not teach directing manipulation of power consumption and thermal load associated with said rack equipment from said management control center via a plurality of management components (emphasis added) that are communicatively coupled to said rack equipment.

With respect to Claims 2-7, Applicants respectfully state that Claims 2-7 depend from the allowable Independent Claim 1 and recite further features of the present claimed invention. Therefore, Applicants respectfully assert that Claims 2-7 are allowable as depending from allowable base Claim 1.

With respect to Claims 9-13, Applicants respectfully point out that Claims 9-13 depend from the allowable Independent Claim 8 and recite further features of the present claimed invention. Therefore, Applicants respectfully assert that Claims 2-7 and 9-13 are allowable as depending from allowable base Claim 8.



### CONCLUSION


Based on the arguments presented above, Applicants respectfully assert that Claims 1-13 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact David A. Plettner at (408) 447-3013 if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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